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**BEFORE THE  
BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

**SHAKE MOSKAVIAN**  
**a.k.a. JESSICA MOSKAVIAN**  
**a.k.a. JESSICA MONIKER**  
200 N. Grand Ave. #296  
West Covina, CA 91791

Pharmacy Technician Registration No. TCH  
44114

Respondent.

Case No. 3817

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

FINDINGS OF FACT

1.1. On or about August 15, 2011, Complainant Virginia Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 3817 against Shake Moskavian, aka Jessica Moskavian, aka Jessica Moniker (Respondent) before the Board of Pharmacy. (A true and correct copy of the Accusation is attached as Exhibit A.)

1.2. On or about August 30, 2002, the Board of Pharmacy (Board) issued Pharmacy Technician Registration No. TCH 44114 to Respondent. The Pharmacy Technician Registration was in full force and effect at all times relevant to the charges brought in Accusation No. 3817 and will expire on December 31, 2011, unless renewed

1.3. On or about August 24, 2011, Respondent was served by Certified and First Class Mail copies of the Accusation No. 3817, Statement to Respondent, Notice of Defense, Request

1 for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and  
2 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code  
3 section 4100, is required to be reported and maintained with the Board, which was and is: 200 N.  
4 Grand Ave. #296, West Covina, California 91791.

5 1.4. Service of the Accusation was effective as a matter of law under the provisions of  
6 Government Code section 11505, subdivision (c) and/or Business & Professions Code section  
7 124. Moreover, Respondent signed and returned a Domestic Return Receipt evidencing receipt of  
8 the Accusation and related service materials which includes a postal date stamp of August 29,  
9 2011.

10 1.5. Government Code section 11506 states, in pertinent part:

11 (c) The respondent shall be entitled to a hearing on the merits if the respondent  
12 files a notice of defense, and the notice shall be deemed a specific denial of all parts  
13 of the accusation not expressly admitted. Failure to file a notice of defense shall  
14 constitute a waiver of respondent's right to a hearing, but the agency in its discretion  
15 may nevertheless grant a hearing.

16 1.6. Respondent failed to file a Notice of Defense within 15 days after service upon her of  
17 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 3817.

18 1.7. California Government Code section 11520 states, in pertinent part:

19 (a) If the respondent either fails to file a notice of defense or to appear at the  
20 hearing, the agency may take action based upon the respondent's express admissions  
21 or upon other evidence and affidavits may be used as evidence without any notice to  
22 respondent.

23 1.8. Pursuant to its authority under Government Code section 11520, the Board finds  
24 Respondent is in default. The Board will take action without further hearing and, based on the  
25 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as  
26 taking official notice of all the investigatory reports, exhibits and statements contained therein on  
27 file at the Board's offices regarding the allegations contained in Accusation No. 3817, finds that  
28 the charges and allegations in Accusation No. 3817, are separately and severally, found to be true  
and correct by clear and convincing evidence.

1 1.9. Taking official notice of its own internal records, pursuant to Business and  
2 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation  
3 and Enforcement is \$4,672.50 as of October 3, 2011.

4 DETERMINATION OF ISSUES

5 1.1. Based on the foregoing findings of fact, Respondent Shake Moskavian, aka Jessica  
6 Moskavian, aka Jessica Moniker has subjected her Pharmacy Technician Registration No. TCH  
7 44114 to discipline.

8 1.2. The agency has jurisdiction to adjudicate this case by default.

9 1.3. The Board of Pharmacy is authorized to revoke Respondent's Pharmacy Technician  
10 Registration based upon the following violations alleged in the Accusation which are supported  
11 by the evidence contained in the Default Decision Evidence Packet in this case.

12 a. Respondent is subject to disciplinary action under section 4301(l) of the Code in that  
13 on or about April 21, 2011, Respondent was convicted of one felony count of violating Health  
14 and Safety Code section 11379, subdivision (a) [transportation, sale, furnishing of a controlled  
15 substance] in the criminal proceeding entitled *The People of the State of California v. Shake*  
16 *Moskavian* (Super. Ct., Los Angeles County, 2011, Case no. KA093448). The circumstances of  
17 the conviction are that Respondent was found to be in possession of methamphetamine, a  
18 controlled substance, on or about December 1, 2009, during a traffic stop by the Glendora Police  
19 Department.

20 b. Respondent is also subject to disciplinary action under section 4301, subdivisions (j)  
21 and (o), for violating section 4060 in that on or about December 1, 2009, Respondent violated the  
22 California Uniform Controlled Substances Act Health and Safety Code 11000, et seq.) by  
23 possessing methamphetamine, a controlled substance and dangerous drug.

24 c. Respondent is also subject to disciplinary action under section 4301, subdivisions (h)  
25 and (j), in that on or about December 1, 2009, Respondent, used and/or was under the influence of  
26 methamphetamine, a controlled substance.

27 d. As aggravation, in determining the degree of discipline, on or about October 21,  
28 2009, the Board issued Citation and Fine No. CI 2007 36513 to Respondent for violating section

1 4301, subdivision (f), resulting in the issuance of a \$1,000.00 fine. The citation alleged that  
2 Respondent's conduct constituted unprofessional conduct in violation of 4301(f) in that on or  
3 about April 20, 2007 and January 16, 2008, Respondent was arrested on bench warrants for  
4 failure to appear at previously scheduled court hearings for violating Vehicle Code section  
5 14601.1, subdivision (a) [driving on a suspended license]. Also, on April 20, 2007, Respondent  
6 was arrested for violations of HS 11364(a) [possession of drug paraphernalia]. Additionally, on  
7 or about April 20, 2007, Respondent was arrested for violating Health and Safety Code section  
8 11364, subdivision (a) [possession of drug paraphernalia] and on August 2, 2007, Respondent  
9 pled guilty to one count of HS 11364 subdivision (a) and was granted a deferred entry of  
10 judgment for 24 months in the criminal proceeding entitled *The People of the State of California*  
11 *v. Shake Moskavian* (Super. Ct., Los Angeles County, 2007, No. 7JB03731). Moreover, on or  
12 about July 25, 2007, after pleading nolo contendere, Respondent was convicted of one  
13 misdemeanor count of violating Vehicle Code 12500, subdivision (a) [driving without a valid  
14 driver's license] in the criminal proceeding entitled *The People of the State of California v. Shake*  
15 *Moskavian* (Super. Ct., Los Angeles County, 2007, No. 7PS01747).

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ORDER

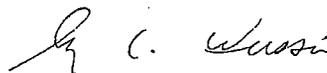
IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 44114, heretofore issued to Respondent Shake Moskavian, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This decision shall become effective on June 7, 2012.

It is so ORDERED on May 8, 2012.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By

\_\_\_\_\_  
STANLEY C. WEISSER

Board President

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DOJ Matter ID:LA2010600801  
Attachment: Exhibit A: Accusation

# Exhibit A

Accusation

1 KAMALA D. HARRIS  
Attorney General of California  
2 MARC D. GREENBAUM  
Supervising Deputy Attorney General  
3 GILLIAN E. FRIEDMAN  
Supervising Deputy Attorney General  
4 State Bar No. 169207  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-2564  
6 Facsimile: (213) 897-2804

7 *Attorneys for Complainant*

8 **BEFORE THE**  
9 **BOARD OF PHARMACY**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 3817

13 **SHAKE MOSKAVIAN**  
14 **a.k.a., JESSICA MOSKAVIAN**  
15 **a.k.a., JESSICA MONIKER**  
200 N. Grand Ave. #296  
West Covina, CA 91791

**A C C U S A T I O N**

16 Pharmacy Technician Registration  
No. TCH 44114

17 Respondent.

18  
19 Complainant alleges:

20 **PARTIES**

- 21 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity  
22 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.
- 23 2. On or about August 30, 2002, the Board of Pharmacy (Board) issued Pharmacy  
24 Technician Registration No. TCH 44114 to Shake Moskavian, also known as Jessica Moskavian  
25 and Jessica Moniker (Respondent). The Pharmacy Technician Registration was in full force and  
26 effect at all times relevant to the charges brought herein and will expire on December 31, 2011,  
27 unless renewed.

28 ///



1           “(h) The administering to oneself, of any controlled substance, or the use of any  
2 dangerous drug or of alcoholic beverages to the extent or in a manner as to be dangerous or  
3 injurious to oneself, to a person holding a license under this chapter, or to any other person  
4 or to the public, or to the extent that the use impairs the ability of the person to conduct with  
5 safety to the public the practice authorized by the license.

6           .....

7           “(j) The violation of any of the statutes of this state, or any other state, or of the United  
8 States regulating controlled substances and dangerous drugs.

9           .....

10           “(l) The conviction of a crime substantially related to the qualifications, functions, and  
11 duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13  
12 (commencing with Section 801) of Title 21 of the United States Code regulating controlled  
13 substances or of a violation of the statutes of this state regulating controlled substances or  
14 dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the  
15 record of conviction shall be conclusive evidence only of the fact that the conviction occurred.  
16 The board may inquire into the circumstances surrounding the commission of the crime, in order  
17 to fix the degree of discipline or, in the case of a conviction not involving controlled substances  
18 or dangerous drugs, to determine if the conviction is of an offense substantially related to the  
19 qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or  
20 a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning  
21 of this provision. The board may take action when the time for appeal has elapsed, or the  
22 judgment of conviction has been affirmed on appeal or when an order granting probation is made  
23 suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of  
24 the Penal code allowing the person to withdraw his or her plea of guilty and to enter a plea of not  
25 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information or  
26 indictment.

27           .....

28           “(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the  
violation of or conspiring to violate any provision or term of this chapter or of the applicable  
federal and state laws and regulations governing pharmacy, including regulations established by  
the board or by any other state or federal regulatory agency.”

### COST RECOVERY

8. Section 125.3 states, in pertinent part, that the Board may request the administrative  
law judge to direct a licentiate found to have committed a violation or violations of the licensing

1 act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the  
2 case.

3 **CONTROLLED SUBSTANCE**

4 9. "Methamphetamine," is a Schedule II controlled substance as defined in Health and  
5 Safety Code section 11055, subdivision (d)(2) and is categorized as a dangerous drug pursuant to  
6 section 4022.

7 **FIRST CAUSE FOR DISCIPLINE**

8 **(Substantially related conviction)**

9 10. Respondent is subject to disciplinary action under section 4301(l) of the Code in that  
10 she was convicted of a crime that is substantially related to the qualifications, duties, and  
11 functions of a pharmacy technician. The circumstances are as follows:

12 a. On or about April 21, 2011, Respondent was convicted of one felony count of  
13 violating Health and Safety Code section 11379, subdivision (a) [transportation, sale, furnishing  
14 of a controlled substance] in the criminal proceeding entitled *The People of the State of California*  
15 *v. Shake Moskavian* (Super. Ct., Los Angeles County, 2011, Case no. KA093448). As a result of  
16 the conviction, Respondent was sentenced to three years formal probation, to pay all applicable  
17 fines, fees and restitution and to serve 180 days in jail.

18 b. The circumstances of the conviction are that Respondent was found to be in  
19 possession of a controlled substance on or about December 1, 2009, during a traffic stop by the  
20 Glendora Police Department. Respondent admitted that the methamphetamine inside her vehicle  
21 was for her own personal use. Respondent also admitted that she had a concealed glass  
22 methamphetamine pipe on her person, and that she had been selling methamphetamine for  
23 approximately six months.

24 **SECOND CAUSE FOR DISCIPLINE**

25 **(Unprofessional Conduct-Possession of a Controlled Substance)**

26 11. Respondent is subject to disciplinary action under section 4301, subdivisions (j) and  
27 (o), for violating section 4060 in that on or about December 1, 2009, Respondent violated the  
28 California Uniform Controlled Substances Act Health and Safety Code 11000, et seq.) by

1 possessing methamphetamine, a controlled substance and dangerous drug. Complainant refers  
2 to, and by this reference incorporates, the allegations set forth above in paragraph 10b, as though  
3 set forth fully.

### 4 THIRD CAUSE FOR DISCIPLINE

#### 5 **(Unprofessional Conduct - Use/Under the Influence of a Controlled Substance)**

6 12. Respondent is subject to disciplinary action under section 4301, subdivisions (h) and  
7 (j), in that on or about December 1, 2009, Respondent, used and/or was under the influence of a  
8 controlled substance. Complainant refers to, and by this reference incorporates, the allegations  
9 set forth above in paragraph 10b, as though set forth fully.

### 10 DISCIPLINARY CONSIDERATIONS

11 13. In order to determine the degree of discipline, if any to be imposed on Respondent,  
12 Complainant alleges the following:

13 a. On or about October 21, 2009, the Board issued Citation and Fine No.  
14 CI 2007 36513 to Respondent for violating section 4301, subdivision (f), resulting in the issuance  
15 of a \$1,000.00 fine. The citation alleged that Respondent's conduct constituted unprofessional  
16 conduct in violation of 4301(f) in that on or about April 20, 2007 and January 16, 2008,  
17 Respondent was arrested on bench warrants for failure to appear at previously scheduled court  
18 hearings for violating Vehicle Code section 14601.1, subdivision (a) [driving on a suspended  
19 license]. Also, on April 20, 2007, Respondent was arrested for violations of HS 11364(a)  
20 [possession of drug paraphernalia].

21 b. On or about April 20, 2007, Respondent was arrested for violating Health and Safety  
22 Code section 11364, subdivision (a) [possession of drug paraphernalia] and on August 2, 2007,  
23 Respondent pled guilty to one count of HS 11364 subdivision (a) and was granted a deferred  
24 entry of judgment for 24 months in the criminal proceeding entitled *The People of the State of*  
25 *California v. Shake Moskavian* (Super. Ct., Los Angeles County, 2007, No. 7JB03731).

26 c. Moreover, on or about July 25, 2007, after pleading nolo contendere, Respondent was  
27 convicted of one misdemeanor count of violating Vehicle Code 12500, subdivision (a) [driving  
28 without a valid driver's license] in the criminal proceeding entitled *The People of the State of*

1 *California v. Shake Moskavian* (Super. Ct., Los Angeles County, 2007, No. 7PS01747). The  
2 Court placed Respondent on 1 year probation, with terms and conditions. The circumstances  
3 surrounding the conviction are that on or about February 13, 2007, Respondent drove a vehicle  
4 without a valid driver's license.

5 PRAYER

6 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
7 and that following the hearing, the Board issue a decision:

- 8 1. Revoking or suspending Pharmacy Technician Registration No. TCH 44114, issued  
9 to Respondent;
- 10 2. Ordering Respondent to pay the Board the reasonable costs of the investigation and  
11 enforcement of this case, pursuant to section 125.3; and
- 12 3. Taking such other and further action as deemed necessary and proper.

13  
14 DATED: 8/15/11

  
15 VIRGINIA HEROLD  
16 Executive Officer  
17 Board of Pharmacy  
18 Department of Consumer Affairs  
19 State of California  
20 Complainant

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